

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

NEW HOLLAND TIRE, INC.,

Plaintiff,

v.

4:10-cv-63

DORSEY ROADSIDE RESCUE, INC.,

Defendant.

ORDER

On August 17, 2010, the Court entered an order striking Defendant's Answer and allowing Defendant fifteen days to file a proper response to Plaintiff's Complaint. *See* Doc. 8. Despite the Court's leniency in allowing Defendant time to file an appropriate response, it has filed nothing since entry of the Court's order. On January 12, 2011, the Court directed the clerk to enter default and ordered Plaintiff to submit a detailed and complete set of actual invoices, along with proof of interest and costs that it seeks to recover by default judgment. *See* Doc. 11. The clerk entered default on January 12, 2011. *See* Doc. 12.

Plaintiff has now filed the requested backup documentation. *See* Doc. 14. Plaintiff claims entitlement to \$441,947.43. *See id.* at 4. Of this sum, \$274,868.03 stems from goods and services Plaintiff provided Defendant, but for which Defendant failed to pay. *See id.* at 2. Plaintiff seeks a 1.5% monthly finance charge on this amount, totaling \$84,311.48. *See id.* Thus, Plaintiff claims that \$359,179.51 was due upon the filing of their Complaint. *See id.* at 3.

Plaintiff further seeks 1.5% interest per month on this sum from the time it filed its Complaint until now. This adds an additional \$75,427.70 in damages. *See id.*

Plaintiff seeks costs in the amount of \$580.22 and attorney's fees of \$6,760. *See id.* This brings Plaintiff's total demand to \$441,947.43. *See id.* at 4. Plaintiff has filed 256 pages of backup documentation on these costs. *See* Docs. 14-1, 14-2, 14-3.

Federal Rule of Civil Procedure 55(b)(1) requires the clerk to enter judgment for an amount plus costs where "the plaintiff's claim is for a sum certain or a sum that can be made certain by computation." Here, Plaintiff claims a sum certain and interest which can be made certain by computation.

Plaintiff's attorney's fees are allowed under O.C.G.A. § 13-6-11 and pre-judgment interest is allowed under O.C.G.A. § 7-4-16, running from the time each amount became due until this date.

The Court hereby ***DIRECTS THE CLERK TO ENTER DEFAULT JUDGMENT AGAINST DEFENDANT IN THE AMOUNT OF FOUR HUNDRED FORTY-ONE THOUSAND NINE HUNDRED FORTY-SEVEN DOLLARS AND FORTY-THREE CENTS (\$441,947.43).***

This 27th day of June 2011.



B. AVANT EDENFIELD, JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA